

Board of Appeal Referrals 2/22/73

Hearing Date: 2/27/73

Petitions Nos. Z-2722-2723
Berklee School of Music
136 & 150 Massachusetts Avenue
Boston

Petitioner seeks two conditional uses for change of occupancy from miscellaneous hall, bowling alley, stores and offices to miscellaneous hall, school classrooms, rehearsal halls, store, offices and from school (non-degree) and dormitories to school (degree granting) and dormitories in a general business (B-2) district. The proposal violates the code as follows:

136 Massachusetts Avenue

Section 8-7. A degree granting college or university is conditional in a B-2 district.

150 Massachusetts Avenue

Section 8-6. A change in an existing conditional use requires a Board of Appeal hearing.

The property, located on Massachusetts Avenue near the intersection of Boylston Street, contains a three-story structure (former Fenway Theatre) and a six-story structure (Bryant and Stratton School). The proposed conversion should be subject to the attached conditions. Recommend approval with provisos.

VOTED: That in connection with Petitions Nos. Z-2722-2723, brought by Berklee School of Music, 136 & 150 Massachusetts Avenue in the Fenway Urban Renewal Area, for two conditional uses for change of occupancy from miscellaneous hall, bowling alley, stores and offices to miscellaneous hall, school classrooms, rehearsal halls, store, office and from school (non-degree) and dormitories to school (degree granting) and dormitories in a general business (B-2) district, the Boston Redevelopment Authority recommends approval subject to the attached conditions.

1. The street floor in areas designated by the plan attached hereto shall be utilized for the development of commercial use under a fair and equitable rental formula.

2. Total number of resident students shall not exceed 575.

3. Appellant shall provide within its building a lounge or cafeteria area adequate for its staff and students only to eat lunches and snacks.

4. The permit for conditional use shall be in the name of and run to the use of the appellant only. In the event the property is sold or transferred to another institution, this conditional use shall terminate.

5. Any space above the ground floor not needed for appellant's school use shall be rented to retail and professional users paying taxes.

6. No structures, including free-standing signs, shall be permitted in the setback area, excepting landscaping and the like approved by the BRA. Any exterior changes shall be subject to BRA approval.

7. Appellant shall discourage excessive lounging and loitering in the setback area.

8. Appellant shall adopt rules and regulations for parking by students and staff, with the purpose of discouraging commuter use of automobiles and for cooperating with authorities in prevention of illegal parking and enforcement of fines; and shall incorporate same in its published materials and catalogs, etc.

9. Appellant shall make an attempt to aid its non-resident students, if so requested, to find living accommodations in a manner that will minimize contribution to the congestion in the nearby residential area; and shall incorporate directive

materials in its periodically published materials.

10. Students shall be prohibited from practicing instruments in their individual sleeping rooms. The appellant will provide adequate soundproof practice rooms within the confines of the building.

11. The appellant shall prohibit its resident students from maintaining automobiles or other types of vehicles.

12. No flags, banners, etc. shall be displayed on the exterior of the building.

13. The appellant shall terminate its occupancy of 8 Hemenway Street as an institutional/dormitory use as of July 1, 1973 and thereafter actively seek the sale of said property for residential (non-institutional) housing.

14. Any substantial alterations in the premises shall require the approval of the Fire and Building Departments of the City.

15. The Theatre at 130 Massachusetts Avenue, formerly known as the Fenway Theatre, may be used by the appellant for practice, recitals and concerts by its students and faculty members and may also be rented to public agencies and to educational institutions and to charitable corporations organized to improve the Back Bay and Fenway neighborhoods and it may also be rented to other parties for any of the following purposes: performance of ballets, operas, live theatre, so-called classical music and for lectures.

16. The appellant shall make payments to the City in lieu of real estate taxes in accordance with the terms as set forth in an agreement between said appellant and the City of Boston, dated

Z-2722-23

36-150 MASSACHUSETTS AVE.

(B.P.)



